

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 24, 2021

SUBJECT: FRONTIER COMMUNICATIONS OF AMERICA, INC.'S NOTICE FOR CANCELLATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 323; CASE NO. CTZ-T-21-01.

On May 14, 2021, the Commission received a Notification from Frontier Communications of America, Inc. ("Frontier") and Frontier Communications Online and Long Distance, Inc. ("Frontier Online" and together with Frontier America, the "Frontier Companies") seeking to withdraw and discontinue their provision of IXC/Title 62 Service including withdrawing Frontier's Certificate of Public Convenience and Necessity (CPCN Certificate No. 323).¹

In the Notification, the Frontier Companies stated they would like to "withdraw and discontinue services effective August 12, 2021, or such earlier date as permitted by the Commission." Notification at 1. The Frontier Companies also requested a waiver from the requirements of *Idaho Code* § 62-612(2) and IDAPA 31.01.01.020 to post "an advertisement in a newspaper or to perform any other notification requirement" because, at the time of the Notification, they did "not have any customers in Idaho." *Id.* at 2, fn. 3. Frontier's request to cancel its CPCN was approved by the Commission as a consent agenda item at the June 15, 2021, decision meeting.

While preparing the Final Order, it was discovered that the Frontier Companies' additional request to waive the public notice requirements was inadvertently omitted from the

¹ Frontier was granted Certificate No. 323 in January 1997 in Case No. CTZ-T-96-01.

original decision memo. Because this issue was not brought to the attention of the Commission the case is not yet fully submitted.

STAFF RECOMMENDATION

To bring the issue more fully before the Commission, Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure with a 21-day comment period and a 7-day reply period.

COMMISSION DECISION

Does the Commission wish to grant the Frontier Companies' request for a waiver of the public notice requirements and issue a Final Order? Or does the Commission wish to issue a Notice of Application and Notice of Modified Procedure with a 21-day comment period and a 7-day reply period?



Riley Newton
Deputy Attorney General